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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. MJ 11-423
10 v.)
11 LUKE GALARDO,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged: Distribution of Oxycodone

15 Date of Detention Hearing: September 14, 2011.

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
18 that no condition or combination of conditions which defendant can meet will reasonably
19 assure the appearance of defendant as required and the safety of other persons and the
20 community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant has been charged with a drug offense, the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to
02 both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

03 2. Defendant resides in California. He does not have ties to this District.
04 Although the defendant says he has full custody of both of his children, his mother reports that
05 he shares custody with the mother of his younger son. Defendant has a substance abuse history
06 including current marijuana and methamphetamine addictions, cocaine use and three
07 unsuccessful inpatient drug treatment programs.

08 3. The AUSA proffers evidence of text messages sent by the defendant to another
09 individual in the course of the investigation leading up to the filing to the instant charges,
10 whereby the defendant allegedly threatened the individual and his family. Thirty separate text
11 messages were said to be sent in a four day period.

12 4. Taken as a whole, the record does not effectively rebut the presumption that no
13 condition or combination of conditions will reasonably assure the appearance of the defendant
14 as required and the safety of the community.


15 It is therefore ORDERED:

- 16 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
17 General for confinement in a correction facility separate, to the extent practicable, from
18 persons awaiting or serving sentences or being held in custody pending appeal;
- 19 2. Defendant shall be afforded reasonable opportunity for private consultation with
20 counsel;
- 21 3. On order of the United States or on request of an attorney for the Government, the
22 person in charge of the corrections facility in which defendant is confined shall deliver

01 the defendant to a United States Marshal for the purpose of an appearance in connection
02 with a court proceeding; and

- 03 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
04 for the defendant, to the United States Marshal, and to the United State Pretrial Services
05 Officer.

06 DATED this 14th day of September, 2011.

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09 Mary Alice Theiler
United States Magistrate Judge